IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	**8:10CR389**
v.	)	**ORDER SETTING CASE FOR TRIAL**
EULOGIO BARRON-VALDEZ,	)	
Defendant.	)	

IT IS ORDERED:

1. Notice

- The above-captioned criminal case is set for trial before the Honorable Joseph F. Bataillon, Chief Judge, United States District Court, at Omaha, Nebraska, commencing **at 8:30 a.m. on January 10, 2011**.
- The Court will give no further notice other than telephone notice of the date and hour the trial will begin.

2. Requests for Continuance

- Continuances must be requested within one week of this order in written motions accompanied by supporting affidavits.
- A copy of any request for continuance must be filed and Magistrate Judge Thomas D. Thalken's chambers notified.

3. Pretrial Motions

- Counsel must immediately notify the Court of any pretrial motion requiring an evidentiary hearing outside the presence of the jury.
- Motions must be written and accompanied by supporting affidavits that conform to the rules of this court.

4. Change of Plea

- Counsel must inform Magistrate Judge Thalken that a defendant has elected to change his or her plea within five days before trial or as soon as practicable.

5. Delivery of Required Submissions

- **The government shall file and serve on opposing counsel at least five working days before the first day scheduled for trial, as appropriate, all proposed jury instructions, trial briefs, suggested verdict forms, proposed findings of fact and conclusions of law, and witness lists. The procedure for the submission of exhibits is set forth below.**
- The defendant is encouraged also to submit to Chief Judge Bataillon's chambers at least five working days before trial proposed jury instructions, a trial brief, discovery material to

be used at trial, and an exhibit notebook. Any materials so submitted shall not be disclosed to the government unless the defendant specifies otherwise.

- A party's witness list must include the full name and address of each witness whom the party may call to testify at trial.

- Parties are encouraged to submit proposed jury instructions on disk.

6. Exhibits

- All exhibits must be pre-marked with stickers that indicate whether the government or the defendant is offering the exhibit.

- The government's exhibits shall begin with the number "1" and shall be numbered consecutively. If the government's last exhibit is a two-digit number (e.g., "34"), the defendant's first exhibit number shall be "100." If the government's last exhibit number is a three-digit number, the defendant's first exhibit number shall be a three-digit number rounded up to the next hundred. Thus, if the government's last exhibit number is "134," the defendant's first exhibit number would be "200."

- Exhibits must be listed before trial on exhibit forms available from the Clerk's office or on our web page at www.ned.uscourts.gov (Forms).

- The courtroom deputy will take custody of the exhibits after they are received by the court.

- Parties must deliver to Chief Judge Bataillon's chambers **at least five working days before the first day** scheduled for trial copies of all exhibits in a three-ring binder organized for use by dividers or tabs.

7. Discovery Material Used as Evidence at Trial

- If a party will use a deposition at trial, the proponent must supply the Court with a copy of the deposition. If less than the whole deposition will be used, the copy must highlight the portions to be introduced. The proponent must also supply the Court with a list or index identifying by page and line the portions to be introduced. If a party objects to the introduction of deposition testimony, that party must supply the Court with a list specifying the precise nature of each objection and identifying its location by page and line.

- If a party intends to use testimony in a videotaped deposition and the opponent objects to any portion of it, the proponent must supply the Court with a transcript of the testimony from the deposition. The transcript must highlight the portions of the testimony to be introduced. The proponent must also supply the Court with a list or index identifying by page and line in the transcript the portions to be introduced. If a party objects to the introduction of videotaped deposition testimony, that party must supply the Court with a list specifying the precise nature of each objection and identifying its location in the transcript by page and line.

8. Conduct of Trial

- Chief Judge Bataillon will meet with counsel at 8:30 a.m. in chambers on the first day of trial.

- Each day of trial will begin at 9:00 a.m. unless Chief Judge Bataillon directs otherwise.

- Questioning of witnesses will be limited to direct examination, cross examination, and redirect examination unless Chief Judge Bataillon allows further examination.

9. Voir Dire

- Chief Judge Bataillon will conduct an initial general voir dire of the prospective panel.
- Counsel will be allowed to conduct follow-up voir dire in areas not covered by the Court's examination or in an area which may justify further examination in view of a prospective juror's response during the Court's voir dire.

10. Witnesses

- Witnesses who do not appear to testify when scheduled will be considered withdrawn. The trial will then proceed with the presentation of any remaining evidence.

11. Equipment Available

- The ELMO evidence presenter is available in Chief Judge Bataillon's courtroom. Please notify the courtroom deputy prior to trial if you plan to use the ELMO and also if you need to schedule a time for training. Please give as much notice as possible. More information is available on the web at www.ned.uscourts.gov (Court Technology).
- 2 Large screen TVs
- VCR
- Illustrator Pad/Printer
- Overhead projector
- Easel
- Headsets for the hearing-impaired

12. Interpreters. Counsel shall notify the courtroom deputy at least a week in advance if the services of an interpreter will be required for a hearing or for trial.

This order supersedes any local rule of court or any order on final pretrial conference entered in these actions.

Dated this 10th day of December, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge